

MEETING OF THE LOCAL GOVERNMENT COMMISSION

Wednesday, May 8, 2019

The meeting of the Local Government Commission was called to order by Senator Scott Hutchinson at 8:45 a.m. in Room 14 East Wing-Main Capitol Building, Harrisburg, Pennsylvania, with the following individuals present:

MEMBERS

Senator Scott E. Hutchinson, Chair
Senator Scott F. Martin
Senator Judy Ward
Senator Judith L. Schwank
Senator Timothy P. Kearney
Representative R. Lee James
Representative Dan Moul
Representative Garth D. Everett
Representative Robert Freeman
Representative Christina D. Sappey

STAFF

Philip H. Klotz, Executive Director
David A. Greene, Assistant Director-Legal Counsel
Kristopher J. Gazsi, Associate Legal Counsel
Wanda Snader Dehan, Associate Legal Counsel
Karen S. Bear, Secretary

GUESTS

Justin Leventry, Senator Hutchinson's Office
Cheryl Schriener, Senator Ward's Office
William Casey, Senator Schwank's Office
Samuel Arnold, Senator Kearney's Office
Brianna Medevich, Representative Freeman's Office
Christopher Mulhall, House Local Government Committee (R)
Kim Bracey, Department of Community and Economic Development
Karen O'Neill, Department of Community and Economic Development
Lisa Schaefer, County Commissioners Association of Pennsylvania
Megan McDonough, Pennsylvania School Boards Association
Melissa Morgan, Pennsylvania State Association of Township Supervisors
Hayden Rigo, Greenlee Partners

The Members resolved themselves into executive session at 8:45 a.m. to discuss personnel matters. At 9:00 a.m. the Members returned to public session and voted unanimously on a motion by Senator Schwank and a second by Representative James to accept, with regret, the formal retirement resignation submitted by the Executive Director. Mr. Klotz, who has worked for the Local Government Commission for 19 1/2 years, will resign his position effective July 31, 2019. Additionally, on a motion by Senator Martin and a second by Representative Freeman, the

Members unanimously approved to promote David A. Greene to the position of Executive Director effective August 1, 2019, contingent upon successful negotiation of salary with the Commission. The Members thanked Mr. Klotz for his service and wished him well in his future retirement.

A proposal to amend the municipal codes to increase the threshold for advertising the sale of municipal real property was presented to the Members for their consideration. The Members reviewed the amendatory language at the April 10, 2019, business meeting and requested that the Consumer Price Index for all Urban Consumers (CPI-U) component be removed and that a requirement be added that compels a municipality planning to sell real estate valued at less than \$6,000 to openly announce the sale at a public meeting at least 30 days prior to the transaction. The three-bill package would amend the Second Class Township Code, Title 8 (Borough Code) and Title 11 (Third Class City Code) of the Pennsylvania Consolidated Statutes (Pa.C.S.), and an act relating to incorporated towns to increase the dollar threshold for when municipal real property must be advertised prior to sale to the highest bidder. The amendment to the Second Class Township Code would require that the board of supervisors estimate the value of the real estate upon receipt of an appraisal by a qualified real estate appraiser. After a brief discussion, the Members voted unanimously to introduce the legislation into both chambers, with Senator Hutchinson and Representative Everett as prime sponsors.

Associate Legal Counsel Kristopher Gazsi presented to the Members a proposal to amend the municipal codes to increase compensation of elected officials. The suggested language is part of a two-bill package to standardize the maximum salaries of elected municipal officials, and adjust the annual maximum salary limits according to changes in the CPI-U. The bills would amend the Second Class Township Code and Title 8 (Borough Code) of the Pa.C.S. to increase the maximum allowable salaries for municipal officials. The bills would not directly increase any salaries; each municipality must establish a salary by ordinance, and any change to that compensation may only take effect at the beginning of the municipal official's next term of office. The proposed maximum amounts are based on the cumulative increases in the CPI-U in the Pennsylvania, New Jersey, Delaware and Maryland area as applied to the current salary maximums, last set in 1995.

The bills would also authorize an alternative, optional form of compensation on a per-meeting basis, based on a provision in the Third Class City Code. A board of supervisors or a borough council opting for the alternative could cause the forfeiture of up to 1/12th of the annual salary for a municipal official who fails to attend a properly scheduled meeting without excuse. This legislation is a result of Resolution 9 of 2017 presented by the Pennsylvania State Association of Boroughs and Resolution 13 of 2019 submitted by the Pennsylvania State Association of Township Supervisors. The Members voted unanimously on a motion by Representative James and a second by Senator Martin to introduce the legislation into both chambers, with Senator Martin and Representative James as prime sponsors.

A proposal to clarify preemption of municipal regulation of drones by permitting municipal regulation on municipal property was offered by Assistant Director-Legal Counsel David Greene. The amendment would clarify the scope of municipal authority for regulating launching, landing and retrieving unmanned aircraft on municipal land, water or structures. Nothing in the proposed language would limit federal, state or local governmental response to fire, rescue, police or other emergency matters or the engagement by those entities in any legitimate

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governmental function. This language was submitted to the Federal Aviation Administration and various associations for review and comment.

Subsequent to Senator Hutchinson's departure from the meeting at 9:00 a.m., First Vice-Chair Representative James assumed the chair.

Mr. Greene continued to review the proposed clarifying language regarding unmanned aircraft by stating that the suggested amendment reflects the numerous inquiries the Commission has fielded concerning the flying of drones on private and public property and is based on a similarly constructed regulation of the Pennsylvania Game Commission. After a brief discussion, the Members unanimously approved on a motion by Representative Moul and a second by Senator Schwank to introduce the legislation into both chambers, with Senator Ward and Representative Moul as prime sponsors.

The Members then discussed the minutes of the April 10, 2019, business meeting, which were unanimously approved on a motion by Senator Kearney and a second by Representative Freeman. The financial reports for the month of April 2019 were presented, and a detailed explanation was given by the Executive Director. The financial reports were unanimously approved on a motion by Representative Freeman and a second by Senator Schwank.

Under other business, the Director stated that the next Commission meeting on June 12, 2019, would be held in Room 503 Irvis Office Building and the agenda would include the consideration of an updated Local Government Commission Personnel Policy, as well as the 2018 resolutions from the Pennsylvania Municipal League and the Pennsylvania State Association of Boroughs.

The meeting adjourned at 9:15 a.m.

**ATTESTED: _____
June 12, 2019**